

DANGEROUS MARTIAL ARTS WEAPONS ACT OF 1986

SEPTEMBER 29 (legislative day, SEPTEMBER 24), 1986.—Ordered to be printed

Mr. THURMOND, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany S. 1363]

The Committee on the Judiciary, to which was referred the bill (S. 1363) having considered the same, reports favorably thereon with an amendment and recommends that the bill (as amended) do pass.

CONTENTS

	Page
I. Amendment in the nature of a substitute.....	1
II. Purpose of the bill as reported.....	3
III. Background and history of legislation.....	3
IV. Statement.....	4
V. Section-by-section analysis.....	6
VI. Agency views.....	7
VII. Cost estimate.....	9
VIII. Regulatory impact statement.....	10
IX. Vote of the committee.....	10
X. Changes in existing law.....	11

I. AMENDMENT IN THE NATURE OF A SUBSTITUTE

SECTION 1. This Act may be cited as the "Dangerous Martial Arts Weapons Act of 1986".

SEC. 2. (a) Chapter 83 of title 18 of the United States Code is amended by adding a new section 1739 as follows:

"§ 1739. Dangerous martial arts weapons

"(a) Whoever—

"(1) knowingly deposits for mailing or delivery;

"(2) knowingly causes to be delivered by mail; or

"(3) knowingly transports or causes to be transported in interstate or foreign commerce a dangerous martial arts weapon, and thereby sells or transfers, or attempts to sell or transfer such weapon, shall be imprisoned not more than five years, or fined in accordance with section 3623 of this title, or both: *Provided* That this section shall not apply to the mailing, delivering, causing to be delivered by mail or transporting or causing to be transported in interstate or foreign commerce of a dangerous martial arts weapon to any person in a State which enacts and has in effect a law providing for the exemption of such State from the provisions of this section. For the purposes of this Act the District of Columbia shall be considered a State.

"(b) This section shall not apply to—

"(1) any common or contract carrier, with respect to any dangerous martial arts weapon shipped, transported, or delivered for shipment in interstate or foreign commerce in the ordinary course of business;

"(2) members of the Armed Forces of the United States and employees of the Federal Government possessing, transporting, ordering, procuring, purchasing, or using the mails with respect to such dangerous martial arts weapons in connection with the activities of the Federal Government;

"(3) members of the National Guard, the Air National Guard, or militia of a State, Territory, or the District of Columbia possessing, transporting, ordering, procuring, purchasing, or using the mails with respect to such dangerous martial arts weapons in connection with the activities of such organizations;

"(4) officers or employees of the municipal government of the District of Columbia, of the government of any State, Territory or federally recognized Indian Tribe, or of any county, city, or other political subdivision of a State or Territory, possessing, ordering, procuring, purchasing, or using the mails with respect to such dangerous martial arts weapons in connection with the activities of such government; or

"(5) manufacturers of such dangerous martial arts weapons or bona fide dealers therein in connection with any shipment made pursuant to an order from any person described in paragraphs (2), (3), or (4).

"(c) The Postal Service may require, as a condition of conveying any dangerous martial arts weapon in the mails, that any person proposing to mail such a dangerous martial arts weapon explain in writing to the satisfaction of the Postal Service that the mailing of such martial arts weapon will not be in violation of this section.

"(d) For the purposes of this section, the term 'dangerous martial arts weapon' means—

"(1) a nunchaku, also known as klackers, kung fu sticks, or similar weapons consisting of two or more sticks of wood, plastic, or metal connected at one end by a length of rope, chain, wire, or leather;

"(2) a shuriken or similar pointed starlike object designed to injure a person when the object is thrown; and

"(3) a manrikigusari, also known as a fighting chain, or similar weapon consisting of a length of chain having weighted ends.

"(4) a hand claw weapon, also known as a Ninja climbing claw, or similar weapon consisting of a metal or leather band with metal hooks or claws attached which fastens over the hand.

"(e) It is a bar to prosecution under this section that the weapon in question is a knife, sword, or ceremonial or collector weapon."

(b) The analysis for chapter 83 of title 18 of the United States Code is amended by adding at the end thereof the following:

"1739. Dangerous martial arts weapons."

SEC. 3. This Act shall take effect: either one year following the date of enactment or for any state whose legislature has not met during the one year period following the date of enactment, following the conclusion of that state's next legislative session.

II. PURPOSE OF THE BILL AS REPORTED WITH AMENDMENT IN THE NATURE OF A SUBSTITUTE

The purpose of S. 1363 as reported is to amend the federal mail statute 18 U.S.C. 1716 in order to prohibit the mailing or transporting in interstate commerce by the United States mail or private carriers for the purpose of sale or transfer, or attempted sale or transfer of the following four martial arts weapons:

- (1) a nunchaku, also known as klackers or kung fu sticks;
- (2) a shuriken or similar pointed starlike object;
- (3) a manrikigusari, also known as a fighting chain;
- (4) a hand claw weapon, also known as a Ninja climbing claw.

Twelve states have enacted laws to prohibit in some manner the manufacture, sale and/or possession of certain martial arts weapons. Despite such state law prohibitions, the distribution of martial arts weapons through the mail goes unchecked because the existing federal mail statute, 18 U.S.C. 1716, which already prohibits sending certain firearms, explosives, switchblades, and other dangerous articles through the mail, does not explicitly delineate any martial arts weapons as unmailable items. S. 1363 would close this loophole in the federal law and ban the interstate mailing of four dangerous martial arts weapons.

S. 1363 will effectuate an important revision of existing law that will reduce the availability of these lethal weapons to unsupervised children and criminals without prohibiting their use for sport collecting or other legitimate activities.

III. BACKGROUND AND HISTORY OF LEGISLATION

S. 1363 was introduced on June 25, 1985, by Senators Edward M. Kennedy (D-Mass.) and Strom Thurmond (R-S.C.), and was referred to the Committee on the Judiciary. Seven original cosponsors joined Senator Kennedy and Chairman Thurmond, including the following members of the Judiciary Committee: Senator Dennis DeConcini (D-Ariz.) and Senator Howard Metzenbaum (D-Ohio). Other original cosponsors included Senator John F. Kerry (D-

Mass.), Senator Ernest Hollings (D-S.C.), Senator Alan Cranston (D-Calif.), and Senator Alfonse D'Amato (R-N.Y.). Senator Paul Simon (D-Ill.) cosponsored the substitute bill that was reported out of the Judiciary Committee on August 7, 1986.

On October 16, 1985, the full Committee held a hearing on S. 1363. Senator Edward M. Kennedy provided an opening statement. Testimony was heard from the Justice Department, the United States Postal Service, the Boston Police Department, various experts in the martial arts field and the Cutlery Collectors Legislative Committee.

Statements were given by Chairman Thurmond (R-S.C.), Senator Simon (D-Ill.), Senator Specter (R-Penn.), Senator Grassley (R-Iowa), and Representative Snowe (R-Me.). Written testimony was submitted by law enforcement officials, martial arts practitioners, and state officials.

The Committee heard considerable testimony from law enforcement and certain martial arts enthusiasts concerning the pressing need for the federal law to be amended so as to deter the growing use of these weapons by children and criminals to stem the increased occurrence of injuries resulting from the improper use of these weapons.

Opposing testimony was presented by martial arts practitioners and business people expressing concern that the bill would impinge on martial arts as a legitimate sport. These groups and individuals advocated the need for greater public education regarding the legitimate sporting use of these weapons as opposed to the legislation under consideration.

The language in the original bill would have applied only to those states which already prohibit the manufacture, sale, carrying or possession of martial arts weapons. At the hearing, the U.S. Postal Service and the Justice Department raised the concern that the differing state laws would make the law difficult to enforce and unpredictable in its application. Based on the recommendation of the Postal Service and the Justice Department, the bill was amended to apply nationally, while allowing any state to exempt itself from the federal law.

At the hearing, the Justice Department and the Postal Service expressed concern that the original language of the bill did not apply to private interstate carriers. This omission would have enabled an individual in a state that prohibits possession of such weapons to have the weapons sent to him from outside the state via a private carrier. The substitute bill reported by the Judiciary Committee adopted the recommendation of the Justice Department and U.S. Postal Service to include private carriers within the prohibition.

At the request of Senator Simon, the hand claw weapon, also known as a Ninja climbing claw, was added to the original list of weapons covered by the legislation.

IV. STATEMENT

Senators Kennedy and Thurmond introduced S. 1363 to halt the shipment of dangerous martial arts weapons through the United States. The bill is designed to halt the increasing use of the U.S.

mail and private carriers to send razor-sharp throwing stars, kung-fu killing sticks, fighting chains and hand claw weapons, which is a growing problem throughout the country threatening the health and safety of citizens, especially young children.

In his statement of introduction of the bill, Senator Kennedy explained the problem that had been brought to his attention by martial arts practitioners, law enforcement officials, parents and medical authorities.

The surge in popularity of martial arts has led many states to enact legislation to keep dangerous martial arts paraphernalia out of the hands of children. The Consumer Product Safety Commission estimates that in the last five years, over 100,000 martial arts-related injuries of all kinds were treated in hospital emergency rooms. Over 60 percent of the victims were between the ages of 5 and 24. The easy access of children and young gangs to inexpensive mail-order martial arts weapons, now advertised in a variety of publications, undoubtedly contributes to a substantial number of the accidents and attacks that now occur outside legitimate, supervised sports activity. In Massachusetts, for example, one martial arts instructor reports recently confiscating 100 illegal weapons from children as young as 8. Parents, educators, police, and state and local officials have written to me about the need to cut off the flow of these mail-order weapons to children.

In addition, the increasing use of martial arts weapons by criminals is a growing threat to public safety that warrants immediate action. A recent nationwide survey found a small but significant number of robberies, assaults, murders, and other crimes involving martial arts weapons is growing, and there have been numerous attacks on police officers with these deadly weapons.

The legislation crafted from these concerns is intended to provide a direct and simple remedy by amending the current criminal ban on mailing dangerous items to add 4 clearly specified martial arts weapons to the existing list of nonmailable items under the federal law.

One concern that was raised by groups opposing the legislation was that the bill infringes on the right of the states to legislate in areas of traditional state domain. These arguments are countered by the fact that the legislation is designed to uphold the intent of a number of states that have passed laws to address this specific problem. Although 12 states have passed laws to prohibit or regulate the use of these weapons, the lack of federal mail regulations is being used to circumvent the intention of these state laws. The bill has national application in the prohibition against the interstate mailing of these weapons but recognizes the rights of states by allowing a state to exempt itself from the federal law.

Opponents also raised concern that the bill would have an adverse effect on the perception of the martial art sport by the general public. In testimony submitted by Michael James, publisher of Rainbow Publications, Inc., he expressed the opinion that the benefits of martial arts training and the implements and tools for the

teacher of martial arts should not be looked on as dangerous martial arts weapons, but as useful training implements.

The legislation is not intended to undermine the legitimacy of the martial arts sport but to deter the improper use of weapons by children, untrained in the sport, or by gangs and criminals whose intention is to threaten, injure, maim or kill other citizens. The bill does not prohibit the use of the weapons in a properly supervised setting, nor does it prohibit their sale by stores in states that have decided not to regulate the activity. It addresses the practice of using the United States mail and private carriers to provide these weapons to individuals, untrained in their use or for illegal activities, or to avoid the regulation by states which have imposed restrictions or prohibition in order to protect the public health and safety.

In his statement at the hearing before the Judiciary Committee on S. 1363, Chairman Thurmond addressed these issues:

This bill and today's hearing are not intended to challenge the legitimacy of martial arts as a recreational sport. Nor does S. 1363 outlaw the use of any martial arts weapon. That decision is left to the states. I believe that where the states have made such decisions, Congress should not stand idle while the United States mails are used to evade the state laws. The Federal Government should recognize a state's right to enact laws governing state matters and should assist the state by preventing the circumvention of state law through the use of the United States Postal Service. This measure will serve an important law enforcement function by assisting the state authorities in the enforcement of state laws.

V. SECTION-BY-SECTION ANALYSIS

The following is a Section-by-Section Analysis of S. 1363, as reported by the Senate Judiciary Committee:

AMENDMENT TO TITLE 18 OF THE UNITED STATES CODE

Section 2

Paragraph (a) amends Chapter 83 of title 18 of the United States Code and adds a new section that prohibits the mailing, delivery by mail, or transportation in interstate or foreign commerce of the four martial arts weapons listed in subsection (d).

The section imposes penalties of imprisonment not to exceed five years, and fines of \$250,000 for an individual and \$500,000 for a corporation.

The section clarifies that the prohibition on martial arts weapons will apply nationally. States that do not want the prohibition to apply can pass a law exempting the state from this federal law. The approach adopted in this provision was a change from the original bill, which, as introduced, would have applied to only those states that had enacted laws prohibiting or regulating martial arts weapons in some manner. The legislation was changed at the request of the U.S. Postal Service because of the difficulty regulating the mails to comply with varying types of state laws. The Depart-

ment of Justice recommended the approach in the bill as reported out by the Committee.

Paragraph (b) clarifies that the prohibition and penalties shall apply to the seller only and shall not apply to the carrier or transporter of the weapons, or to any of the governmental entities specified in the legislation.

Paragraph (c) authorizes the Postal Service to request an explanation from any party engaged in mailing martial arts weapons to ensure that such mailing does not violate the law.

Paragraph (d) specifies the four martial arts weapons that are covered in the prohibition of the legislation. These four weapons were identified by law enforcement authorities as some of the most widely misused martial arts weapons and account for many of the injuries reported by medical authorities and organizations.

The weapons are referred to by their common names and are accompanied by specific descriptions to clarify the types of weapons that are intended to be covered by the law.

Paragraph (e) was added to emphasize that the legislation is not intended to apply to swords, knives or collectors or ceremonial items, but only applies to the four martial arts weapons specified in paragraph (d).

The original language in the bill would have provided persons charged with violations of the law an affirmative defense if the weapon were a knife, sword, or ceremonial or collector's item. The Committee adopted substitute language which bars prosecution against a party if such party can prove that the item transported is a sword or knife.

VI. AGENCY VIEWS

STATEMENT OF VICTORIA TOENSING, DEPUTY ASSISTANT ATTORNEY GENERAL, CRIMINAL, DIVISION, DEPARTMENT OF JUSTICE

Mr. Chairman and members of the Committee, my name is Victoria Toensing. I am a Deputy Assistant Attorney General, Criminal of the Division Department of Justice. Thank you for this opportunity to appear here today to discuss with the Committee your concerns about the interstate traffic in dangerous martial arts weapons.

We share with the sponsors of S. 1363 a concern that the popularization of dangerous martial arts weapons, and their easy access in interstate commerce, have led to an increase in injuries to children from these weapons and to an increase in the use of these weapons by criminals. For example, at various times State and local police officers attending the FBI Academy at Quantico, Virginia, have reported to the Quantico staff an increasing use of martial arts weapons by street gangs. Mr. Chariman, the Department of Justice supports the enactment of S. 1363 with some amendments which I will discuss today.

As you know, S. 1363, with certain exceptions, would make it a misdemeanor offense for anyone to sell or transfer dangerous martial arts weapons, by use of the mails, into a State which prohibits the manufacturing, selling, carrying or possessing of such weapons. However, sale or transfer to a person to whom such sale or transfer was legal under the laws of his or her State would *not* be prohibit-

ed. Dangerous martial arts weapons would be defined as throwing stars, nunchaku and fighting chains.

With two major differences, the provisions of the bill are apparently modeled after the Switchblade Knife Act, enacted in 1958. First, unlike S. 1363, the Switchblade Knife Act prohibits the introduction of switchblade knives into not only the mail, but also into interstate commerce. S. 1363 does not prohibit the shipment in interstate commerce of martial arts weapons. As a consequence, if enacted in its present form, the bill would fail to achieve the stated purpose of its sponsors, that is, preventing an individual in a State which prohibits possession of such weapons from having the weapons sent to him from outside the State. A company would be able, for example, lawfully to sell a throwing star to a juvenile in Massachusetts by simply sending it to the juvenile via United Parcel Service or some similar interstate carrier, rather than by mail. In order to prevent a juvenile in Massachusetts from purchasing a throwing star or other martial arts weapon from an out-of-state manufacturer or seller, the bill would have to include additional provisions, analogous to those contained in the Switchblade Knife Act, prohibiting the transfer of such weapons in interstate commerce, as well as by mail.

The second major difference between the Switchblade Knife Act and S. 1363 is that the latter would not prohibit the mailing of dangerous martial arts weapons into all States, but only into those States which prohibit the manufacture, sale, carrying or possession of such weapons. Since the laws of the twelve States which have statutes specifically regulating these weapons differ so widely, such a limitation will make the bill, if enacted, difficult to enforce and, from the perspective of the citizen, unpredictable in its application. For example, the State of Washington prohibits the possession of martial arts weapons by students under 21 who are on elementary or secondary school grounds. Would S. 1363, if enacted, prohibit the mailing of a throwing star to a person in the State of Washington if that person were not a student or were over 21 or did not intend to take the star onto the grounds of an elementary or secondary school? New York and Oregon prohibit the possession of nunchaku with the intent to use them unlawfully. Would S. 1363 prohibit a manufacturer from mailing nunchaku to a customer in New York who intended to use them only for lawful purposes? How is the seller to know the intent of the purchaser? Moreover, many States have not regulated by statute the possession of specifically these types of weapons. Rather, courts have construed general statutes prohibiting the carrying of dangerous weapons to include, under certain circumstances, nunchaku, for example. Would it be an offense to mail such a weapon into a State which may have, by case law only, prohibited its possession under certain limited circumstances?

It would be more effective and more predictable in application to avoid these problems by simply amending the Switchblade Knife Act to include dangerous martial arts weapons as defined in S. 1363. The introduction of such weapons into the mails or into interstate commerce would then be prohibited regardless of destination. However, such an approach would still allow a State, if it chose, to decide under what circumstances possession of these implements

within the State would be lawful, provided the weapons were manufactured and transported only within that State.

If so amended, the Department of Justice recommends enactment of the bill.

I would be pleased to answer any questions the Committee might have.

STATEMENT OF JACK E. SWAGERTY, ASSISTANT CHIEF INSPECTOR,
CRIMINAL INVESTIGATIONS, U.S. POSTAL SERVICE

Mr. SWAGERTY. Thank you, Senator Simon.

I appreciate the opportunity to testify, Mr. Chairman, and I would like to introduce to you Mr. George Davis, the Assistant General Counsel, Consumer Protection Division, U.S. Postal Service, who is here with me today.

We are here at your request to testify on S. 1363, a bill to prohibit the use of the mails to send dangerous martial arts weapons. The legislation would establish a Federal misdemeanor offense for the mailing of dangerous martial arts weapons, defined in the bill as klackers, or throwing stars, or fighting chains, to anyone in a State that prohibits the manufacturing, selling, carrying, or possessing of such weapons.

The Postal Service sympathizes with the goal of this legislation to help State authorities who are trying to stop abuses of these dangerous weapons.

From an administrative standpoint, however, the bill in its present form poses some difficult problems for law enforcement. We understand that less than a third of the States at the present time have laws covering martial arts weapons. Moreover, the State laws on the subject differ widely. For example, some require proof of intent to use these weapons unlawfully in order to establish an offense. Under these circumstances, it would be extremely difficult to interpret and enforce the legislation as currently defined.

The bill would avoid the most troublesome of these problems if it were revised to prohibit the mailing of martial arts weapons, as defined in the bill, and with the narrow exceptions provided, but without reference to the differing State laws on the subject. This kind of change would overcome the enforcement problems we see in the current draft.

Also, the committee may wish to consider whether the bill leaves a major loophole by not prohibiting interstate shipment of martial arts weapons outside the mails. Without closing this loophole, enactment of legislation such as this might result in shifting much of the traffic in these weapons from the mails to private carriers.

This concludes my prepared statement. I would be very happy to answer any questions you may have.

VII. COST ESTIMATE

In accordance with Paragraph 11(a), Rule XXVI of the Standing Rules of the Senate, the Committee offers the following report of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 20, 1986.

Hon. STROM THURMOND,
*Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate
Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 1363, the Dangerous Martial Arts Weapons Act of 1986, as ordered reported by the Senate Committee on the Judiciary on August 7, 1986. We estimate that enactment of this bill would result in no significant cost to the federal government, or to state or local governments.

S. 1363 would prohibit, under certain circumstances, the mailing or interstate transport of specific martial arts weapons, including nunchakus and shurikens. According to information provided by the United States Postal Service, restricting the use of the mail for this purpose would not require additional resources because the Postal Service currently enforces similar laws, notably the prohibition on switchblades. The interstate commerce provisions would be enforced by private carriers, together with the Federal Bureau of Investigation, consistent with the existing prohibition on switchblades. Enactment of this legislation is not expected to result in a significant change in the federal government's law enforcement practices or expenditures.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

EDWARD GRAMLICH
(For Rudolph G. Penner).

VIII. REGULATORY IMPACT STATEMENT

In compliance with paragraph 11(b), Rule XXVI of the Standing Rules of the Senate, the Committee finds that the implementation of the bill, as reported, will not result in increased regulation.

IX. VOTE OF THE COMMITTEE

On August 7, 1986, a quorum being present, the Committee adopted the Thurmond amendment in the nature of a substitute, and ordered the bill favorably reported to the Senate by a roll call vote of 14 to 1, as follows:

Yeas
Mathias
Hatch
Simon
Grassley
Denton
Specter
McConnell
Biden
Kennedy
Metzenbaum

Nays
Laxalt

DeConcini
Heflin
Simon
Thurmond

X. CHANGES IN EXISTING LAW

In compliance with paragraph (12) of rule XXVI of the Standing rules of the Senate, changes in existing law made by S. 1363 are as follows: Existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman.

UNITED STATES CODE

TITLE 18—CRIMES AND CRIMINAL PROCEDURE

CHAPTER 83—POSTAL SERVICE

Sec.

1738. Mailing private identification documents without a disclaimer.

1739. *Dangerous martial arts weapons.*

§ 1739. Dangerous martial arts weapons

(a) *Whoever—*

(1) *knowingly deposits for mailing or delivery;*

(2) *knowingly causes to be delivered by mail; or*

(3) *knowingly transports or causes to be transported in interstate or foreign commerce a dangerous martial arts weapon, and thereby sells or transfers, or attempts to sell or transfer such weapon, shall be imprisoned not more than five years, or fined in accordance with section 3623 of this title, or both: Provided, That this section shall not apply to the mailing, delivering, causing to be delivered by mail or transporting or causing to be transported in interstate or foreign commerce of a dangerous martial arts weapon to any person in a State which enacts and has in effect a law providing for the exemption of such State from the provisions of this section. For the purposes of this Act the District of Columbia shall be considered a State.*

(b) *This section shall not apply to—*

(1) *any common or contract carrier, with respect to any dangerous martial arts weapon shipped, transported, or delivered for shipment in interstate or foreign commerce in the ordinary course of business;*

(2) *members of the Armed Forces of the United States and employees of the Federal Government possessing, transporting, ordering, procuring, purchasing, or using the mails with respect*

to such dangerous martial arts weapons in connection with the activities of the Federal Government;

(3) members of the National Guard, the Air National Guard, or militia of a State, Territory, or the District of Columbia possessing, transporting, ordering, procuring, purchasing, or using the mails with respect to such dangerous martial arts weapons in connection with the activities of such organizations;

(4) officers or employees of the municipal government of the District of Columbia, of the government of any State, Territory or federally recognized Indian Tribe, or of any county, city, or other political subdivision of a State or Territory, possessing, ordering, procuring, purchasing, or using the mails with respect to such dangerous martial arts weapons in connection with the activities of such government; or

(5) manufacturers of such dangerous martial arts weapons or bona fide dealers therein in connection with any shipment made pursuant to an order from any person described in paragraphs (2), (3), or (4).

(c) The Postal Service may require, as a condition of conveying any dangerous martial arts weapon in the mails, that any person proposing to mail such a dangerous martial arts weapon explain in writing to the satisfaction of the Postal Service that the mailing of such martial arts weapon will not be in violation of this section.

(d) For the purpose of this section, the term 'dangerous martial arts weapon' means—

(1) a nunchaku, also known as klackers, kung fu sticks, or similar weapons consisting of two or more sticks of wood, plastic, or metal connected at one end by a length of rope, chain, wire, or leather;

(2) a shuriken or similar pointed starlike object designed to injure a person when the object is thrown; and

(3) a manrikigusari, also known as a fighting chain, or similar weapon consisting of a length of chain having weighted ends.

(4) a hand claw weapon, also known as a Ninja climbing claw, or similar weapon consisting of a metal or leather band with metal hooks or claws attached which fastens over the hand.

(e) It is a bar to prosecution under this section that the weapon in question is a knife, sword, or ceremonial or collector weapon.